

Susan N. Goodman  
Texas Bar No. 24117585  
PIVOT HEALTH LAW, LLC  
P.O. Box 69734  
Oro Valley, Arizona 85737  
sgoodman@pivotohealthaz.com  
message: (520) 744-7061  
*Patient Care Ombudsman, pro hac vice*

**IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

IN RE:

REMARKABLE HEATHCARE OF CARROLLTON LP;  
EIN: 5960

REMARKABLE HEALTHCARE OF DALLAS, LP;  
EIN: 3418

REMARKABLE HEALTHCARE OF FORT WORTH, LP;  
EIN: 1692

REMARKABLE HEALTHCARE OF SEGUIN, LP;  
EIN: 4566

REMARKABLE HEALTHCARE, LLC,  
EIN: 5142

DEBTORS.

Jointly Administered Under

Case No: 23-42098-btr

Chapter 11 – Subchapter V

**PATIENT CARE OMBUDSMAN FIRST REPORT  
Prestonwood (Carrollton) Location**

Pursuant to 11 U.S.C. § 333 of the United States Bankruptcy Code (the “Code”) and the court’s December 5, 2023, *Order Granting United States Trustee’s Unopposed Motion for Order Directing Appointment of Patient Care Ombudsman* (the “**Appointment Order**”) [Docket No. 57], Susan N. Goodman was appointed to serve as the Patient Care Ombudsman (“**PCO**”) for each of the four healthcare facility Debtors in these jointly administered cases.<sup>1</sup>

<sup>1</sup> The *Notice of Appointment of Patient Care Ombudsman* (the “**Appointment Notice**”) [Docket No. 58] was filed with the court the same date of the Appointment Order.

In the *United States Trustee's Unopposed Motion for Order Directing the Appointment of Patient Care Ombudsman* (the “**Appointment Motion**”) [Docket No. 44], PCO was directed to monitor the care provided to patients/residents of the Debtors and report to the court no later than thirty (30) days after the lodging of the Appointment Order. The Appointment Notice included PCO’s curriculum vitae and other supporting documentation to support her competence to serve as the PCO. These pleadings are incorporated by reference herein. Of note, while PCO’s site visit is guided by the regulations/tools utilized by certifying agencies and auditors, PCO does not certify the Debtors’ compliance with any state or federal licensure standards.

Shortly after the lodging of the Appointment Order and Appointment Notice, PCO engaged in initial site visits at each of the four Debtors’ locations. PCO comes now and files her first report for the Remarkable Healthcare of Carrollton, LLP location (“**Debtor**,” “**Prestonwood**”).

### SUMMARY

As mentioned in sister facility reports, the Prestonwood Debtor has the same facility layout as that of the Seguin and Fort Worth locations. With a total capacity of 120 licensed beds, Prestonwood had a census of sixty-two (62) on the date of PCO’s site visit. On the date of PCO’s visit, some leadership personnel were out including, without limitation the dietary manager, the plant operations director (“**Plant Ops**”)<sup>2</sup>, and the senior associate director of nursing (“**Sr. ADON**”).

The Director of Nursing (“**DON**”) for this building was reported as exiting July 2023, with interim coverage reported as being provided by the regional, corporate nursing director. The MDS Nurse role was also reported as vacant with interim coverage for this position provided through corporate, regional leadership. The Social Worker and Admissions team member roles were reported as recently filled. While a dietician was not available on the date of PCO’s site visit, the Administrator/Chief Executive (“**CEO**”) reported having a signed contract with a new dietician effective December 1, 2023.

---

<sup>2</sup> PCO was aware the District Director of Plant Operations would be absent from the facility as this individual covers both the Fort Worth and Prestonwood locations with Director oversight at the Dallas location. The Director also informed PCO that the quarterly fire alarm testing was occurring in follow-up to survey findings.

The CEO had been in her role for approximately one- and one-half years. The CEO stated she had continued, post-petition services from existing vendors relative to trash pick-up, food delivery, red-box (hazardous) waste removal, and shredding. Continued Medical Director professional support services were also confirmed. New vendor contracts and service engagement for clinical laboratory support and mobile x-ray services were reported. While the formal findings were not available for the most recent survey, the Plant Ops director had shared that a fire alarm vendor would be on site to perform preventative maintenance associated with one survey finding. PCO also noted the interim DON had scheduled a mandatory inservice for nursing staff to cover admissions, skilled charting, and care plan charting, likely also related to recent survey follow-up.

PCO spoke with the Assistant Director of Nursing (“**ADON**”) during her site visit. The ADON reported being short one certified nursing assistant (“**CNA**”) for each shift that day. Consistent with the other locations, however, clinical staff readily reported ongoing challenges with shift coverage, particularly for weekend coverage with CNAs reporting picking up some extra shifts with more shifts needing coverage than staff available to work extra shifts.

The dietary, housekeeping, and maintenance team members working on the day of PCO’s site visit were predominately non-English speaking. While PCO spoke enough Spanish to engage in some discussion with these team members, her level of fluency precluded robust interaction. PCO noted similarities at this location to that of other Debtors’ locations relative to modest housekeeping supplies, including paper products. PCO used the public restroom which was out of paper towels. Again, while paper products were available in the building, they weren’t necessarily available at each sink location. However, these supply levels were reported as an improvement over shortages that existed pre-petition.

PCO noted the location had one functional washing machine out of three total units, utilizing cold water for washing linens. PCO noted that the October 2022 survey included a citation associated with insufficient linen availability. Because this citation would be categorized under a general, resident rights tag, PCO will monitor the posting of the current survey findings, once available, to see if the issue was recurring. PCO’s understanding is that efforts are underway at this

and the other locations to improve the number of functioning water heaters supporting laundry services and parts have been ordered for washing machine repairs.

The importance of laundry service capacity and functionality at this location was further heightened by the fact that Prestonwood had ten COVID positive residents. The CEO reported having sufficient COVID tests for the required bi-weekly testing and personal protective equipment (“PPE”) for direct staff caring for COVID positive residents. Residents were being cared for in their usual room versus moving positive residents to a specific quarantine area. Positive staff were also reported.

### **ANALYSIS AND NEXT STEPS**

Like Debtors’ other locations, Prestonwood seemed to have a great deal of pre-petition strain affecting supplies, preventative maintenance completion, and equipment repairs. While other locations also reported pre-petition staffing departures due to paycheck snafos and lapsed insurance, the CEO at this location reported feeling she was in “a much better plan” for staffing now versus one year ago and attributed all staffing challenges to national healthcare dynamics.

PCO has some concern that the corporate DON will be listed as the Director of Nursing for the Seguin and Fort Worth locations in addition to this location. Fortunately, at the time of report filing, the CEO reported successful recruitment of a DON to this location with an anticipated start date at the end of January 2024. PCO will seek to clarify the plan for interim DON/ADON coverage across locations for early January, reserving the right to supplement this or other reports as needed.

While PCO did not note any immediate circumstances suggesting imminent negative post-petition bankruptcy impacts under 11 U.S.C. § 333(b), PCO also did not observe operational stability to a level that would support her limited engagement. As stated in the other location reports, PCO has significant concern that her role will add undue administrative burden to an already challenged financial situation. PCO has been open regarding these concerns to Debtors’ counsel and the Subchapter V Trustee, hoping that her candor would facilitate productive discussions amongst the various constituencies that move in a direction that focuses financial

resources on staffing, equipment repair, and similar needs to the benefit of residents. Because continued staffing strain was cited as the reason for management departures at other locations, PCO will be most interested in monitoring staffing and replacement of nursing/clinical roles at this and the other locations.

DATED: January 2, 2024.

By: /s/ Susan N. Goodman, TX Bar 24117585

PIVOT HEALTH LAW, LLC

P.O. Box 69734

Oro Valley, AZ 85737

Ph: 520.744.7061 (message)

[sgoodman@pivotohealthaz.com](mailto:sgoodman@pivotohealthaz.com)

*Patient Care Ombudsman – admitted pro hac vice*

### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing document was served through the court's electronic notification system as permitted by Appendix 5005 of the Local Rules of the U.S. Bankruptcy Court for the Eastern District of Texas on the 2<sup>nd</sup> of December 2024, with a copy for posting at the Debtor location. Further, a copy of the pleading filed at Docket No. 72 was mailed, USPS Regular Mail, to the following, top 30 creditors (combined) with the filing of the first location report.

**New Benefits Ltd.**

**PO Box 803475**

**Dallas TX 75380**

**New Source Medical**

**9913 Shelbyville Rd**

**Louisville KY 40223**

**North Texas Fire Systems, LLC**

**PO Box 880**

**Sanger TX 76266**

**Optima Healthcare Solutions, LLC.**

**PO Box 72046**

**Cleveland OH 44192**

**Performance Foodservice**

**524 West 61st street**

**Shreveport LA 71106**

**Pharmacy Unlimited**

**PO Box 592602**

**San Antonio TX 78259**

**PointClick Care Technologies INC**

**PO BOX 674802**

**DETROIT MI 48267**

**Progressive Commercial**

**PO Box 650201**

**Dallas TX 75265**

**Simply Work**

**PO Box 2172**

**Neenah WI 54957**

**Southern Cross Ambulance**

**PO Box 311295**

**New Braunfels TX 78131**

**The PICC Team DFW**

**4500 Northside Dr.**

**Amarillo TX 79108**

**Trans-Care Medical Transport**

**PO Box 14274**

**Fort Worth TX 76117**

**WellSky Corporation**

**11300 Switzer Road**

**Overland Park KS 66210**

Ability Network Inc  
PO Box 856015  
Minneapolis MN 55485

Abshire Dietary Consultants  
P.O. Box 1635  
El Campo TX 77437

AT&T MOBILITY (Account 877003191)  
PO Box 6463  
Carol Stream IL 60197-6463

Auto-Chlor  
P.O. Box 669126  
Dallas TX 75266

Biomedical Waste Solutions  
PO Box 1147  
Port Neches TX 77651

Blue Cross Blue Shield of Texas  
P.O. Box 731428  
Dallas TX 75373-1428

Care One Communications LLC  
PO Box 153122  
Dallas TX 75315

Carrington Coleman  
901 Main Street  
Dallas TX 75202

Center Point Energy  
PO Box 4981  
Houston TX 77210

City of Dallas  
City Hall, 2D South  
Dallas TX 75277

City of Fort Worth  
818 Missouri Ave  
Fort Worth TX 76104

City of Seguin  
PO Box 591  
Seguin TX 78156

Colleyville Lofts Ventures LLC - Attn  
Acctg  
1700 Pacific Ave, Ste 1650  
Dallas TX 75201

Crown Shields Transport LLC  
11617 Lake Front Dr  
Frisco TX 75036

Dallas Life Support Systems Inc.  
7440 Whitehall St.  
Richland Hills TX 76118

Dearborn National  
36788 Eagle Way  
Chicago IL 60678

Diagnostex Consultants  
8913 Mid Cities Blvd  
North Richland Hills TX 76182

Direct Energy Business  
P.O. Box 660749  
Dallas TX 75266

Direct Supply, Inc.  
Box 88201  
Milwaukee WI 53288-0201

Exponent Technologies Inc  
4970 Landmark Pl  
Dallas TX 75254

Griffin Properties of Fort Smith  
PO Box 2207  
Fort Smith TX 72902

Guadalupe Regional Medical Ctr  
1215 E Court St  
Seguin TX 78155

IPFS Corporation  
P.O. Box 100391  
Pasadena CA 91189-0391

JJINEMT LLC  
1741 Cross Creek Lane  
Cleburne TX 76033

Kaliber Data Security & Compliance  
50 Franklin Street  
Boston MA 2110

Mas Vida Health Care Solutions  
133 Nursery Ln  
Fort Worth TX 76114

Medina Valley Security, Inc.  
PO Box 1030  
Lytle TX 78052

Medline Industries, Inc.  
Dept 1080  
Dallas TX 75312

Neighborhood Portable Xray and Lab  
6901 Avenue K #109  
Plano TX 75074

Netsmart Technologies, Inc.  
PO Box 713519  
Philadelphia PA 19171

By: /s/ Susan N. Goodman; TX Bar 24117585